7.0   OCSE FCR FUNCTIONS

OCSE interfaces with the FCR in a manner that is similar to that of a state. In addition, certain transactions are available only to OCSE.

Family Violence Indicator Override: An authorized request to the FCR to perform a Locate Request or FCR Query for a person with an FV Indicator.

Locate Status Request: A request to the FCR to provide information on if, and when, the external Locates that were previously requested by a state have been sent to the Locate source; if, and when, a response has been received from each Locate source; and if any information was contained in the Locate sources that have responded.

International Locate: A request for Locate processing made to OCSE on behalf of a foreign government.

In addition to these transactions, OCSE receives periodic FCR status and process activity reports and specified data extracts.

7.1   Family Violence (FV) Indicator Override

If a person on the FCR has an FVIndicator, no information is released on the person in response to a Locate Request, FCR Query, or as a part of the Proactive Matching functionality. Federal law has created an exception to this prohibition against disclosure by providing a court, as defined in §453(c)(2) and §463(d)(2) of the Act, with the ability to request a one-time override of the FV Indicator if certain requirements are met. The following sections outline the steps tobe taken at the state level to request and process a one-time override of an FV Indicator.

7.1.1   REQUESTING AN FV INDICATOR OVERRIDE THROUGH OCSE

When a state receives a Disclosure Prohibited code from the FCR in response to a request for Locate processing or an FCR Query, the state should notify the authorized person that disclosure is prohibited. The state may also notify the requester of the measures that may be taken to obtain the information despite the prohibition. If the requester was the IV-D agency, upon receipt of notice that disclosure is prohibited, the IV-D agency must decidewhether to pursue the Locate or FCR Query information. If the IV-D agency decides to pursue this information, the IV-D agency must request a court in its state to authorize the SPLS to commence the process to obtain a one-time override of the FV Indicator in the FCR. The actions of the IV-D agency, in this circumstance, are identical to those of other authorized persons requesting FPLS information.

The State Parent Locator Service, (SPLS) must take the following steps to process a one-time FV Indicator override upon receipt of a court request for override of an FV Indicator on behalf of an authorized person. This procedure applies whether the requester is the IV-D agency or another authorized person, as defined by the Act:

1. Accept the request for information and accompanying documents. The SPLS should also ensure that the court authorization accompanying the request is authentic. One way of accomplishing this may be by requiring that the court documentation be certified as such by the appropriate authority.
2. The SPLS should determine whether the request is from a proper court under the Act. The SPLS also should decide if the request is made on behalf of an authorized person under the Act and for a statutorily-permissible purpose. See Sections 453(c) and 463(b) and (d) of the Act as well as Chart 1-2, "Access to FPLS Information" and Chart 6-14, "Types of Locate Requests", for an overview of authorized persons and authorized purposes.
3. Upon making the determination that the information is in order, the SPLS must forward the request to the FPLS. The SPLS may request the override by sending a cover letter to that effect. Federal regulations at 45 CFR 303.70, provide instructions about the manner and form of requests submitted to the FPLS. All requests for FPLS information must be accompanied by a statement, signed by the IV-D Director or his/her designee, attesting that the request has been made by an authorized person and for a permitted purpose. The attestation statement should contain sufficient information to permit OCSE to review the submission and verify that the requester and purpose meet statutory requirements. See OCSE-DCL-98-122 for sample submission information. This statement also must attest that any information obtained through the FPLS pursuant to this request will be safeguarded as confidential.

   The SPLS request must include specific information that will allow OCSE to perform the Locate or Query function. Although the SPLS-to-OCSE request is a manual, hard-copy request, the request OCSE makes to the FCR is an electronic transmission. Therefore, the state must provide OCSE with the required data to perform the FCR transaction. For a Locate Request, the information requiredis different depending on the Locate Request Type.

   The required information according to Locate Request Type or FCR Query is as follows:

   a. Locate Request Type 'CS': Include at a minimum the First Name, Last Name, SSN or enough information to identify an SSN, IRS-1099 and/or a Locate Source Code, Case ID and Member ID. For further information, the state should review the criteria for initiating a Locate Request in Section 6.7.1.3, "Initiating a Locate After Adding a Person", and Section 6.7.2, "SCR-to-FCR Transactions".
   b. Locate Request Type 'AD', 'CV', 'LC' or 'PK': Include at a minimum the First Name, Last Name, at least one Locate Source Code and the SSN or enough information to identify an SSN. For further information, the state should review the criteria for initiating a Locate Request in Section 6.7.1.4, "Initiating a Locate For a Person Not Added to the FCR", and Section 6.7.2, "SCR-to-FCR Transactions".
   c. FCR Query: Include the Action Type Code, Case ID, and Member ID or SSN. For further information, the state should review Section 6.9, "FCR Query".

4. The SPLS must send the request for override and the authenticated court documentation to OCSE via a special delivery service (i.e., Federal Express) at the following address:

Office of Child Support Enforcement

Attn: Ella Lawson or Tony Hardy
Federal Parent Locator Service, 4th Floor
370 L'Enfant Promenade SW
Washington, D.C. 20447

Upon receipt of an FV Indicator override request from a state, OCSE reviews the request to ensure that it is complete and that it meets both statutory and Locate processing requirements. At this time, one of three determinations is made.

a.   **Request Incomplete:** If the request is incomplete, or there are questions regarding the request, OCSE will contact the SPLS and attempt to identify the missing information or resolve the questions via telephone. If OCSE is unable to resolve the matter viatelephone, OCSE will disapprove the request. (See "Request Disapproved" below.)

b.   **Request Approved:** If the request is complete and meets the requirements, OCSE will approve the FV Indicator override request, notify the SPLSby telephone that the request is approved, and proceed with the FCR FV Indicator Override Transaction.

c.   **Request Disapproved:** If the request is not approved, OCSE will return the original request package along with a disapproval letter, via a special delivery service (i.e., Federal Express), to the SPLS. The letter will provide a detailed explanation regarding the reason for disapproval.

If OCSE approves a request for an FV Indicator override, OCSE will notify the state(s) that placed the FV Indicator on the person. OCSE's notice will alert the state(s) that there has been a request for an FV Indicator override, and will identify the requesting state.

7.1.2 STATE PROCESSING OF RETURNED INFORMATION FOLLOWING AN FV INDICATOR OVERRIDE

Following an override of an FV Indicator, OCSE will return the Locate or FCR Query information by hard copy, via a special delivery service, to the requesting SPLS. The returned information will include: a cover letter, detailed Locate information from each requested Locate source, and the identity of the state(s) that placed the FV Indicator. (The identity of the state(s) that placed the FV Indicator may assist the requesting state's court in making its decision about whether to release of the information to the requester). If the request was an FCR Query, the returned information will provide FCR information.

The SPLS **<u>MUST NOT</u>** release or retain a copy of any of the FV Indicator Override information. Upon receipt, the SPLS must submit the information to the state court that authorized SPLS involvement in the override. In the alternative, the SPLS must follow that court's instructions regarding the maintenance of the information, pending the court's final determination regarding its release of the information. Pursuant to 453(b)(2)(B), the court must make the determination whether further disclosure could be harmful to the parent or child. If the court determines that further disclosure could be harmful, the Act mandates that the court is not to disclose the information to the requester.

If the requester is the IV-D agency (Locate Request Type 'CS'), or the request was an FCR Query, and the court makes the determination to disclose the information, the court will return the information to the IV-D agency. The IV-D agency must ensure that the information received forthe protected person is safeguarded and used solely for IV-D purposes.

7.2   Locate Status Request

This section will be added in a future release.

7.3   International Locate

This section will be added in a future release.